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Attorneys for Plaintiffs, Operating Engineers'  
Health And Welfare Trust Fund, et al.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

OPERATING ENGINEERS' HEALTH AND  
WELFARE TRUST FUND, et al.,

Plaintiffs,

v.

CONCRETE AGGREGATE PRODUCTS,  
INC., a California Corporation; CLINTON B.  
ROBISON, an individual,

Defendants.

Case No.: 4:23-cv-03351-HSG

**REQUEST TO CONTINUE CASE  
MANAGEMENT  
CONFERENCE; ORDER  
THEREON (as modified)**

Date: January 2, 2024  
Time: 2:00 pm  
Location: via Telephone  
Judge: Hon. Haywood S. Gilliam, Jr.

Plaintiffs hereby respectfully request that the Case Management Conference, currently on calendar for January 2, 2024, be continued to approximately sixty (60) to ninety (90) days. Good cause exists for the granting of the continuance as follows:

1. Plaintiffs filed this action against Concrete Aggregate Products, Inc., a California Corporation, and Clinton B. Robinson, an Individual on July 5, 2023 for: failure to comply with an audit of their payroll records; failure to report and pay fringe benefit contributions, plus liquidated damages, interest, attorneys' fees and costs. (Dkt. No. 1.) The Court issued the Summons on July 6, 2023. (Dkt. No. 7.) Based on the Complaint being filed on July 5, 2023, the deadline to serve Defendants with the Summons and Complaint was October 3, 2023.

1           2.   Following issuance of the Summons, Plaintiffs made the following efforts to serve  
2 Defendants:

- 3           •   The corporate Defendant listed Clinton B. Robison (also the individual  
4 Defendant) as their agent for service of process with an address of 6 Beryl Lane  
5 Weaverville, CA 96093. Plaintiffs made multiple attempts to serve this address  
6 through their process server First Legal. First Legal ultimately noted that the  
7 address does not exist on the street Beryl Lane;
- 8           •   First Legal attempted service at the business location for the corporate Defendant:  
9 320 Industrial Parkway, Weaverville, CA 96093. First Legal was not able to serve  
10 Defendants at this address;
- 11          •   Plaintiffs' Counsel performed a Lexis search for individual Defendant Clinton B.  
12 Robison and located an address of 801 Browns Ranch Rd., Weaverville, CA  
13 96093. First Legal made contact with the occupant of this residence, who noted  
14 that Defendant Robison does own the property, but that the property is currently  
15 a rental and that the occupant is Defendant Robison's tenant;
- 16          •   Plaintiffs' Counsel then re-reviewed the 6 Beryl Lane address listed with the  
17 California Secretary of State. After research using Google Maps, Plaintiffs'  
18 Counsel noted that the address should actually be 64 Beryl Lane rather than 6  
19 Beryl Lane as listed with the California Secretary of State. Plaintiffs' Counsel  
20 requested that First Legal reattempt service at the 64 Beryl Lane address. First  
21 Legal made contact with an occupant at the property on September 8, 2023 who  
22 stated that he is Defendant Robison's former business partner and that the property  
23 is vacant and currently used as an Air BnB rental. The individual who identified  
24 himself as Defendant Robison's former business partner then indicated that Mr.  
25 Robison now lives in Redding, CA;
- 26          •   On September 11, 2023, using the information gathered on September 8, 2023,  
27 First Legal developed a new address for Clinton B. Robison of 2997 Nicolet Lane,  
28

1 Redding, CA using Intelius research. First Legal also reported that Defendant  
2 Robison had attempted to call the process server and had left voice messages  
3 indicating he is in Bozeman Montana and will be returning that same week. First  
4 Legal indicated that they would call Defendant Robison back to attempt to request  
5 that he meet the process server to accept service.

- 6 • As of September 21, 2023, First Legal had not heard back from defendant  
7 Robison. On September 21, 2023 Plaintiffs' Counsel requested that First Legal  
8 attempt service at the 2997 Nicolet Lane, Redding, CA address.
- 9 • On September 25, 2023, First Legal reported that on the 3rd attempt the documents  
10 were sub-served to Defendant Robison's son-in-law, "Kenny" who stated Clinton  
11 does not live there, but that he would get the documents to him. "Kenny" would  
12 not provide the process server with Defendant Robison's new address. Based on  
13 this substituted service, First Legal prepared a Proof of Service.

14 3. Following service on September 24, 2023, on September 25, 2023, Defendant Robison  
15 contacted Plaintiffs' Counsel. He acknowledged that he had received the service packet and wished to  
16 discuss complying with the demanded audit of Defendants' payroll records and reaching a resolution  
17 regarding the lawsuit.

18 4. In addition, on September 25, 2023, Defendants also contacted the Plaintiff Trust Funds'  
19 Auditor regarding the documents needed for compliance with the audit of their payroll records. On  
20 September 25, 2023 the Plaintiff Trust Funds' Auditor confirmed that an audit appointment was  
21 scheduled.

22 5. On October 11, 2023, the Trust Funds' Auditor confirmed that the audit was to be  
23 conducted electronically. However, as of December 11, 2023, the Trust Fund Auditors have confirmed  
24 that no documents needed to complete the audit have been received from Defendants.

25 6. Given Defendants' failure to file a responsive pleading or comply with the audit, Plaintiffs  
26 filed their request for entry of default on December 18, 2023. (Dkt. No.18.) The Clerk entered default  
27 as to Defendants on December 19, 2023. (Dkt. No. 19.) Plaintiffs served Defendant with a copy of the  
28

Clerk's Notice of Entry of Default, and a proof of Service of same was filed with the Court on December 19, 2023. (Dkt. No. 20.)

7. Plaintiffs will now proceed with preparing a Motion for Default Judgment which they anticipate filing within the next 60 days or less.

8. Therefore, there are no issues that need to be addressed by the parties at the currently scheduled Case Management Conference. In the interest of conserving costs as well as the Court's time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled Case Management Conference for approximately sixty (60) to ninety (90) days to allow time for Plaintiffs to prepare and file their Motion for Default Judgment.

Respectfully submitted,

DATED: December 19, 2023

SALTZMAN & JOHNSON LAW  
CORPORATION

By: \_\_\_\_\_/S/

Matthew P. Minser  
Valarie C. Grossman  
Attorneys for Plaintiffs, Operating Engineers'  
Health and Welfare Trust Fund, et al.

**IT IS SO ORDERED.**

The currently set Telephonic Case Management Conference is hereby continued to March 5, 2024 at 2:00 p.m., and all previously set deadlines and dates related to this case are continued accordingly. The dial-in information and instructions remain the same as previously provided in docket no. 10.

DATED: 12/20/2023



Honorable Haywood S. Gilliam, Jr.  
UNITED STATES DISTRICT COURT JUDGE